

LOWER PAXTON TOWNSHIP  
PLANNING COMMISSION

April 11, 2007

**COMMISSIONERS PRESENT**

Fredrick Lighty  
Ernest Gingrich  
Dennis Guise  
Roy Newsome  
Richard Beverly  
Betsy Sibert  
William Neff

**ALSO PRESENT**

Jim Snyder, HRG  
Chip Millard, Dauphin County  
Dianne Moran, Planning & Zoning Officer  
Lori Wissler, Planning & Zoning Officer

**Call to Order**

Mr. Lighty called the regular meeting of the Lower Paxton Township Planning Commission to order at 7:00 pm, on April 11, 2007 in Room 171 of the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

**Pledge of Allegiance to the Flag**

Mr. Guise led the recitation of the Pledge.

**Approval of Minutes**

Mr. Beverly made a motion to approve the minutes of the March 14, 2007 meeting, Mr. Newsome seconded the motion, and the minutes were unanimously approved.

**OLD BUSINESS**

There was no old business to discuss.

**NEW BUSINESS**

**Rezoning Request**

**John Null**

Ms. Wissler stated that the applicant has proposed an amendment to the Township's Zoning Map for a 0.363-acre parcel located south of Linglestown Road and east of Ranger Road. The

applicant proposes to rezone this tract from R-1, Low Density Residential District to CG, Commercial General District.

Prior to amending the Zoning Map in July 2006, the property was zoned C-1, General Commercial District, and contains two commercial properties.

The Planning Commission and Board of Supervisors have discussed this property and are in agreement to change the zoning of this property to the CN, Commercial Neighborhood District.

A courtesy mailing has been sent to the neighbors indicating that the Commission will review the application at this meeting.

The following were staff's review comments:

1. As with all rezoning, it is important to review the surrounding zoning of the area to ensure compatibility of land uses. The property is abutted to the north and east by the CN, Commercial Neighborhood District, and to the south and west by the R-1 District.
2. The 2004 Comprehensive Plan's Future Land Use Map shows the area to be Low Density Residential.
3. Staff recommends that the request to rezone the property to CG not be approved, and further, that the recommendation be to change the property from R-1 to CN.

Mr. John Null, owner of the property, and his attorney, Mike Carrucoli, were present on behalf of the application.

Mr. Carrucoli asked the status of the rezoning. Mr. Lighty stated that the Township has received a request from Mr. Null to consider rezoning the property. The Planning Commission will listen to the applicant's argument and make a recommendation to the Board of Supervisors. The overall zoning changes that have been discussed in joint meetings have not taken place yet. The recommendation from those discussions regarding this property was to make this parcel CN. The request before the Commission is to make it CG.

Mr. Carrucoli noted that when Mr. Null purchased the property it was zoned Commercial General. Mr. Null was never given notice that there would be a change, and only found out that it had been changed until it was done. There are several commercial businesses in that location and they would like to keep it that way.

Mr. Lighty stated that in 2006 there was an adoption of a new zoning ordinance and that is what changed the zoning of many places, including this parcel. Mr. Lighty noted that the Township has to meet certain advertising requirements, and the Township met and exceeded those requirements. It was legally advertised, as well as several other ways encouraging resident input.

Mr. Carrucoli noted that everything bordering the property on the roadway is commercial.

Mr. Null stated that the owner of 5821 Linglestown Road owns the lane by which they gain access to the property. The post office does recognize both addresses of the commercial establishments on the lot.

Mr. Newsome noted that the lot is surrounded by CN, Commercial Neighborhood and not CG, Commercial General as requested. Mr. Newsome suggested that the applicant should have asked for a rezoning to CN.

Mr. Carrucoli stated that when they discussed this with the Township, they admitted that there was a mistake made and they were going to get it back to commercial. The lot is under contract, and this is a deciding factor.

Mr. Newsome asked if the applicant understands that the surrounding area is zoned Commercial Neighborhood and not Commercial General. Mr. Null noted that the only difference between the Commercial General zoning that was taken from him, and the Commercial Neighborhood zoning is that he could not put a garage there. That was fine with him.

Mr. Newsome noted that if the property was rezoned to CG, it would certainly be considered spot zoning. Mr. Null noted that that is what was taken from him. The Township arbitrarily said this land is no longer commercial.

Mr. Newsome asked if Mr. Null would be satisfied with Commercial Neighborhood. Mr. Null answered yes. Mr. Null apologized for requesting the wrong thing, but expressed his need to get back to normalcy. Mr. Newsome noted he could not support a rezoning to CG, Commercial General because it would be spot zoning. Mr. Newsome asked if Mr. Null wants to pursue a rezoning to CG, Commercial General. Mr. Carrucoli stated he does not, and would like to pursue CN, Commercial Neighborhood.

Mr. Carrucoli asked the time frame for the process. Ms. Wissler noted that the text changes were being worked on, but there is no proposed time frame, and advised the applicant that they should proceed with the rezoning request instead of waiting. Commissioners agreed that this particular application should be moved forward. Mr. Carrucoli noted that time is important, the applicant is trying to get a buyer to put a youth center in the building.

Mr. Lighty asked for comments from the audience.

Mr. Stefan Kosowski, owner of 5815 Linglestown Road, located directly in front of the parcel. The property was at one time C-1, not CG, CG is a new term. Mr. Kosowski noted that CG zoning would be considered spot zoning, however CN would be compatible with the surrounding properties. Mr. Kosowski asked the difference between CG and CN.

Mr. Null stated that the difference in permitted uses is that a garage is not permitted in the CN. Mr. Guise noted there are size limits as well, but that should not apply here. Mr. Kosowski advised the Commission to consider the proposed use of the property in their decision.

Mr. Null stated he intends to put a youth center in the property. Mr. Kosowski stated that the youth center would be classified as a recreation commercial indoor, which is a special exception. Ms. Wissler confirmed that the youth center would require a special exception.

Ms. Wissler asked if the youth center is the use in the building now. Mr. Null stated there is a martial arts school. Ms. Wissler stated that the owner has a right to the marital arts school that exists, but if it will be expanded a special exception might be required. If the same uses that are there currently will remain, he has a right to them. Mr. Null noted that would be a concern for the proposed buyer, if he wants to expand it.

Mr. Robert Micki, 1331 Ranger Road, stated his property is beside the subject property. Mr. Micki asked if this application would change his situation on his property. Mr. Lighty stated that if the lot in question is rezoned to CN, Commercial Neighborhood, then any of the permitted uses in the CN may, in fact, occur on that property. Mr. Micki asked if his property would be rezoned to commercial when he sold it. Mr. Lighty stated that this application only applies to Mr. Null's property, and Mr. Micki's property would remain residentially zoned.

Mr. Micki noted that the projection showing the zoning of the properties appears to show a portion of his property as commercial. Ms. Wissler stated that the zoning boundaries are on the property lines, and the layers of the map do not overlay exactly right.

Mr. Newsome asked Mr. Null about access to the property. Mr. Null stated that the property is landlocked, and has legal rights to an easement through St. Thomas Commons.

Mr. Chip Millard, Dauphin County, noted that the County recommendation is to zone it to CN instead of CG. He noted that this is a commercial property and its only access point is off of Linglestown Road which is a commercial corridor, noting that that strengthens the case to change it to Commercial Neighborhood. The County is aware that the Township was already working on rezoning this property. The County is supportive of the idea of rezoning the property to CN and not CG.

Mr. Neff noted this property is interesting because it is landlocked, and suggested that the applicant provide proof of details of the easement when he reapplies. Mr. Lighty noted that, if the Commissioners were in agreement, the Commission would deny the request for CG and generate the rezoning to CN itself. Mr. Neff agreed with that, but suggested that the Planning Commission's recommendation be subject to providing proof of the access to the Township Solicitor to make sure there is a valid easement. Mr. Lighty noted that the Planning Commission cannot condition a rezoning. Mr. Null noted that there is no other way into the property, and he researched the easement at the County Courthouse and there is a recorded easement on record in the Courthouse. It was a paper road at one time, and is now owned by 5821 Linglestown Road, St. Thomas Commons.

Mr. Newsome made a motion to recommend denial of the rezoning request for John Null at 5817 and 5819 Linglestown Road from R-1, Low Density Residential to CG, Commercial General District. Mr. Beverly seconded the motion and a unanimous vote followed.

Mr. Guise made a motion to recommend to the Board of Supervisors that they rezone 5817 and 5819 Linglestown Road from R-1 to CN, consistent with the discussions provided at this meeting and the recommendation of the County and the recommendation of the comprehensive rezoning. Ms. Sibert seconded the motion and a unanimous vote followed.

Mr. Guise noted that this is a recommendation to the Supervisors, and the Board will take official action on it.

**Preliminary/Final Land Development Plan #07-05**  
**LenMaur**

Ms. Moran stated that the Township has received a plan for the construction of a restaurant, day spa salon, and office building. The restaurant and day spa salon will be located along the frontage of the property and the office building will be located in the rear of the property. The site is located along the north side of Linglestown Road between the existing Weis Markets and Dunkin Donuts. The property consists of 9.407 acres, is zoned CN, Commercial Neighborhood District and will be served by public sewer and public water.

The applicant has submitted an application to the Zoning Hearing Board regarding shared parking. The application will be heard by the Zoning Hearing Board on May 3, 2007. This application is being offered to the Planning Commission for any advisory review that the Commission may wish to provide.

The applicant has requested a waiver of the preliminary plan requirement, and a waiver of the requirement to provide sidewalk within the street right-of-way line (applicant is requesting a sidewalk be placed behind the street right-of-way line).

Mr. Craig Baycheck, of Kairos Design Group, LLC, 4 Lemoyne Drive, Lemoyne PA, was present on behalf of the plan.

Mr. Lighty asked if Mr. Baycheck has received copies of the comments generated by Township staff, HRG and Dauphin County, and if he had issue with any of them. Mr. Baycheck stated he has received the comments, and had no issue with any, but needed clarification on HRG comment #10 related to definition of restaurant and if the proposed use meets the ordinance definition of restaurant. Mr. Baycheck offered to provide an architectural footprint of the interior uses of the building and how the space is being allocated. Mr. Snyder stated that the comment refers to the ordinance that says the percentage of the restaurant has to be a significant portion of it or else it is classified as a tavern. Mr. Baycheck understood and will provide something to substantiate the legitimacy of the restaurant. Mr. Snyder agreed that would satisfy the comment.

Mr. Baycheck offered to answer any questions regarding the plan, and asked that the plan be tabled due to the pending Zoning Hearing Board hearing regarding shared parking.

Mr. Baycheck stated that the owner of the LenMaur Plaza will own all three entities. Access will be provided to and from the Weis Markets and they are working on access through Patton Place, as well as working on the sign off by adjoining properties for the access drive onto Linglestown Road. They have met with PennDOT and Township Staff to anticipate a left and right turn into the site, and a right turn only exit. All other turns would go through the access easements to the east to Patton Road or west to Colonial Road.

Mr. Lighty asked if there is a center turning lane on Linglestown Road at that location. Mr. Guise answered yes.

Mr. Baycheck stated that the main access road leads to the primary use which is the restaurant use, which is a 31,000 plus square foot facility, intended to have upper end restaurant use on the upper level. There will be a drop-off area with two reflecting pools at the entry, a waterfall working down the slope. There is a second entrance on the lower level in the rear intended for a more casual restaurant facility. The front drop-off area will provide valet parking and 24-hour limousine service. There will be a rear deck on the upper level with a glass enclosure with a view of Blue Mountain. The lower level will have a surrounded plaza with outdoor seating. They are working on the seat versus parking requirements. The owner of the property will develop the corporate headquarters in the rear of the property.

The day spa will be intended for an upper-end clientele as well. The associated parking for the spa is intended to be freestanding and will handle the staff and clients. The day spa is about 6,400 square feet.

The parking field is set in a series of terraces going down the back portion of the property. The main accessway crosses a drainageway, so they have worked stormwater detention basins into a naturalized planting scheme, or pavers at the crosswalks, to get people to the lower level restaurant. The upper level restaurant would primarily be valet parked.

The back portion of the property is dedicated to the office building. They are providing a bridged structure for vehicular access over the drainageway. The bridge structure will be an architectural feature on the site.

The office building will be 12,000 square feet. The parking for that building is in excess of the requirements for office space, and is intended to be the overflow or shared parking for the restaurant valet parking use. There is a pedestrian bridge over the drainageway.

They are providing screening along the rear portion of the property adjacent to the residential uses and have as much of a buffer adjacent to the Weis Market and retain the exiting vegetation.

The applicant has a request before the Zoning Hearing Board regarding the shared parking. The day spa will have stand-alone parking. The purple area on the applicant's presentation represents the parking dedicated to the two restaurants, and the 11 green parking spaces are being dedicated purely to the office use, and the red spaces shown represent the spaces to be shared between the office and restaurants. The upper-end restaurant will open at 4:00pm and will typically close at 10:00pm or

11:00pm. The lower restaurant will open at 11:00am and will close at 2:00am. Mr. Baycheck felt the two restaurants were compatible because of the times of operation. The day spa will typically be open from 8:00am until 9:00pm and should also be compatible. The office will have hours of 8:00am to 5:00pm, with peak office use between 10:00am and 2:00pm, and should also complement the other uses with regard to parking.

The total number of parking spaces being provided is 427, and if the three uses stood alone, they would require 457 by ordinance. The Special Exception being sought is for relief of about 30 spaces. Mr. Lighty noted the spaces could probably fit on the lot, but then would lose the nicer features of the lot. Mr. Baycheck agreed, noting that there may not be a realistic need for that many spaces. He referred to a comment that suggested working with Weis to use their parking, but the applicant did not want to rely on someone else's property for parking, and one of the solutions to that is to have the valet parking which would make it palatable for people to drive up to the front and have the cars taken away and brought back when they are finished.

Mr. Newsome asked for clarification on the elevations. Mr. Baycheck stated that the parking by the retaining wall will be about two feet higher in elevation than the lower patio. The basement elevation is at 436.5 and the upper elevation is 454, with a considerable grade change.

Mr. Newsome asked why some handicapped parking was put in the rear of the building and not all up front. Mr. Baycheck stated that four spaces are provided at the front entrance, and they want to offer handicapped accessible parking for the lower restaurant close to the entrance. There is a ramp on the site as well.

Mr. Neff asked if the access into Weis will align with the road directly in front of the market. Mr. Baycheck answered yes.

Mr. Neff asked where the dumpsters will be located. Mr. Baycheck stated that the dumpster enclosure and loading dock will be in the northwest corner of the building. The concrete pad on the plan signifies the location of each dumpster. The trash enclosures will be architecturally in concert with the buildings, probably masonry with wooden gates. The dumpster for the day spa will be in the corner of the parking area. The dumpster for the office building will be in the rear of the site.

Mr. Neff stated that if he were on the Zoning Hearing Board, he would certainly support the request for shared parking. He felt the reasons were that the plan provides for a nice setback from Linglestown Road and will be attractive and the shared parking contributes to that.

Ms. Wissler noted that the new Zoning Ordinance does ask that the Planning Commission give its recommendation to the Zoning Hearing Board with regard to Special Exceptions.

Mr. Neff asked the number of seats in the restaurants. Mr. Baycheck stated there will be 587 seats.

Mr. Neff commented that this will be a nice addition to the area. Mr. Baycheck speculated that based on their involvement in the project, there will be nothing like this in the area.

Mr. Lighty asked if any of the three buildings were to be subdivided out, could they stand alone, but for the shared parking. Mr. Baycheck believed they could, and offered to look into it, but noted that that is not the owner's intent. Mr. Lighty commented that the current owner will not own it forever and wondered what issues there would be if that came up in the future. Mr. Baycheck felt the issues would be the shared facilities or infrastructure related to access, stormwater conveyance, and cross-easements related to other utilities. Other than that, they could stand alone as three separate lots. Mr. Lighty asked if they would meet the setbacks and dimensional standards. Mr. Baycheck believed they would, noting they are well under the impervious coverage on the site.

Mr. Lighty stated he is okay with the shared parking plan, and commented that whenever the Township thinks it has enough parking for a restaurant, it always seems to come up short. He also cautioned that even though there is sharing going on, that the total with sharing, will be enough for this. Mr. Baycheck felt there was merit to the shared concept following the criteria in the ordinance. Staff and HRG have both made it clear to the applicant that the Township has had experiences where parking was an issue.

Mr. Neff suggested a pedestrian access be installed from the office building to the Weis property. Mr. Baycheck stated they did not do that, but would not be opposed to making that connection.

Mr. Baycheck stated that his client would like time to address the comments and go before the Zoning Hearing Board and come back to the Planning Commission next month with a cleaner plan and some zoning decisions.

Mr. Newsome asked what the development timeline goals are. Mr. Baycheck stated that as soon as the approvals are in place they will move with it, noting that PennDOT's issues will take the longest, but the architecture is under design.

Mr. Beverly asked about fire equipment access to the day spa. Mr. Baycheck stated that they would enter through the front, and they will demonstrate adequate access.

Mr. Chip Millard, Dauphin County, commented that he was pleased to see the interconnectivity on both the east and west sides of the property.

Mr. Millard noted that comment #1 refers to an unnamed creek, and asks for clarification on whether it is intermittent or perennial. Mr. Baycheck stated he believes it is an intermittent creek, and noted that it does not show up on USGS mapping, so it is certainly not a perennial creek. Mr. Millard noted that if it is perennial, it will have setbacks associated with it. Mr. Baycheck will confirm this information.

With regard to comment #3, Mr. Millard noted that people may tend to park there if it is a shorter walk than using the intended parking lot, and suggested talking to Weis to see if they are agreeable to that since it may happen given the shape of the lot and the size of the restaurants and the issues the Township has already experienced with restaurants. Mr. Baycheck will talk to Weis about it



at their next meeting. The owner does not intend to rely on the adjacent properties to support his parking issues, and the goal is to keep it self-contained.

With regard to comment #4, Mr. Millard asked if there was any consideration to making the access drive a one-way clockwise around the building, and installing a stop sign at the 4-way access at the main entrance and the first crossroad. Mr. Baycheck did not have a problem adding a stop sign. He noted that the driveway will be wide enough to support two-way traffic, but there will not be a large volume of traffic going that way.

Mr. Millard asked if there will be an entrance/exit on the back side of the building for the casual restaurant. Mr. Baycheck stated that will be the main entrance to that restaurant and there will be a stair tower connecting the upper and lower levels as well. Mr. Newsome asked that that be shown more clearly on the plan.

Mr. Millard asked about the landscaping creating a problem with sight distance at the main entrance to the office at the bend in the road. Mr. Baycheck will look at that and if necessary will remove that landscaping from the plan.

Mr. Millard suggested a pedestrian access to the properties to the north of the site. He recognized that there is a buffer in that area, and the connection would go to one person's lot, which may not be desirable to whomever's lot it connects to. Mr. Baycheck noted that their approach was to buffer the neighbors as much as possible and respect their privacy, and was concerned with having multiple access points on individual properties, which may also violate the buffer requirement. Mr. Baycheck stated the owner would not be adverse to it if a neighbor requested it, but would probably not go to each home and initiate it. Mr. Millard suspected that most neighbors would not be interested but someone might.

With regard to the day spa's parking, Mr. Millard asked if that parking will be signed to assign it to the day spa only. Mr. Baycheck stated that they do not intend to sign it, if there would be a problem in the future, they would prefer to address it at that point. The goal is to not have many signs around the property.

Mr. Lighty called for comments from the audience.

Mr. Brad Henken, 4435 Venus Avenue, stated he has had quite an unpleasant experience with the recent development of the Pinnacle Health building on Patton Road. The residents did not know anything about the plans for the development until everything was approved and set in motion. The neighbors had a few lip-service meetings with the developer, and nothing was accomplished. The neighbors now live with a property 25 feet from their swing-sets. The only reason he was aware of this plan is because he has been checking at the beginning of every month to find out when the plans would be discussed. Mr. Henken was once again disturbed with the lack of involvement. He commented on the comments about the "very nice setbacks from Linglestown Road" and how nice it was to buffer the Weis Market. He stated that the people that live there bought the homes knowing that the land would eventually be developed, but were nonetheless disappointed with the lack of concern from the developers and even from the local representatives in the Township. Mr. Henken

was concerned about the comment that the residents might like access to the property, and noted that they have access to the Pinnacle building by simply crossing the little mound of dirt. The neighbors have concerns that their properties become potential access to the site, and they have children in their neighborhood that shouldn't be subjected to that.

Mr. Millard noted that the intent is to make it tough to cross over. Mr. Henken noted that it did not happen with the Pinnacle property.

Mr. Henken was very bothered by the intent to buffer as much as possible the Weis Market, and nothing was said about the buffer between the homes and this site. Mr. Henken felt the Weis store would not care if there were woods or a building next to them, whereas a resident would certainly prefer a more natural barrier. A 30-foot distance from a commercial property is not far at all, even though it meets the minimum ordinance requirement. Mr. Henken suggested giving the residential neighbors the larger nicer more natural buffer and let Weis have the minimum buffer.

Mr. Henken addressed the shared parking issue. The restaurant will be open until 2:00 in the morning, when children and adults are all sleeping, and they will be disturbed by potentially rowdy patrons in the parking lot, vehicles started creating noise, at the least there will be people saying their goodbyes in the parking lots which will be very irritating to the residents.

Mr. Henken was concerned with the location of the dumpster for the office building. It is shown on the plan at the edge of the property almost in someone's backyard. Even at the Pinnacle building, which is a doctor's office, there are times when the dumpster is overflowing, and the residents begged the developer to move the dumpster a little bit. Mr. Henken asked Mr. Baycheck why the dumpster has to be next to a house when it could be fit in another place and asked that he consider moving it.

Mr. Henken referred to the comment about the nice location for a restaurant, noting that he would much prefer to go to a very nice restaurant on Route 22 where it is already commercially developed and still only a 10 minute drive.

Mr. Henken noted that the other residents do not even know about this plan being discussed at this meeting, but did not think they would be very pleased when he talks to them about it.

When Mr. Henken asked the Township to ask the developer to contact the residents to talk it over and give them their concerns, he was told to attend each meeting. He would have had to come to every meeting for the last 12 years to always know what is going on. It would have been nice to involve the residents and see what their thoughts were.

Mr. Henken was concerned that the residents are the ones most affected by this development and the developer does not seem too interested in contacting them. He noted that even though the site may be aesthetically pleasing to Linglestown Road, it is not at all aesthetically pleasing to the residents. Mr. Henken stated he will contact his neighbors about the plan, and will continue to follow the process, but asked that the developer take the residents into consideration.

Mr. Henken did not think this plan was all that great. Mr. Henken noted that he had asked Pinnacle to install a privacy fence but they did not want to because it would only collect trash, but he felt it would give more of a feeling of privacy and setback, and would make it less likely for people to want to cross the residential properties to get to the site. What is intended as a buffer to the Pinnacle property is no barrier to anyone.

Mr. Henken appreciated that the office is at the rear of the site and not the restaurant.

Mr. Neff commented that he understands Mr. Henken's concerns thoroughly, but unfortunately his property borders the Pinnacle building and not the property in this plan.

Mr. Neff has seen instances where a developer and residents get together and work together, but the resident has to help by getting the neighbors together and get an agreement that they would be willing to give up 10-15 feet of the level property and ask the developer if he would continue the berm onto the residents' properties, with written permission. The homeowner would maintain his half and the developer would maintain his half with plantings. This would be a win-win situation, as long as it is approached in a non-adversarial basis. Mr. Neff noted that Mr. Henken has some good points. The Commission can't really do anything here, but the residents can, if they are willing to work with the developer.

Mr. Baycheck apologized, and stated that it is not his or the owner's intent to be adversarial in any way, and did not mean to show preference to the Weis Market over the residents. Mr. Baycheck gave Mr. Henken his contact information and asked that he call the office in the morning and set up a meeting with him and any neighbors to work something out that is amicable to everybody. The owner is going to move the corporate headquarters here and will be around for a long time, and wants to be a good neighbor and is more than happy to talk with the homeowners. Mr. Baycheck noted that a privacy fence should be a relatively easy accommodation, but will work on the issues with the residents. They can then come back to the Planning Commission next month and be able to say that they have met with them and have some solutions to the issues raised. Mr. Henken agreed that would be a much better situation than what they went through with the Pinnacle development.

Mr. Guise made a motion to table the plan. Mr. Guise also made a motion to provide the Zoning Hearing Board with comments on the special exception request to state that from a planning prospective the special exception appears to be sound and worthy of favorable consideration. Mr. Newsome seconded the motion, and a unanimous vote followed.

**Preliminary/Final Subdivision and Land Development Plan #07-06**  
**Crosspoint United Methodist Church**

Mr. Lighty recused himself because he is a member of the church, and turned the meeting over to Vice Chairman Gingrich.

Ms. Wissler stated that Crosspoint United Methodist Church (formerly known as Colonial Park United Methodist Church) proposes to construct the Phase 1 portion of a three phase project which

will consist of the construction of 182 additional parking spaces located along Valley Road and Colonial Road and other on-site improvements.

The property consists of 10.54 acres, is located at the corner of Crums Mill Road, Valley Road, and Colonial Road, and will be served by public water and public sewer.

This property is zoned R-3, Medium High Density Residential District, which permits churches as a Special Exception. The Special Exception was granted by the Zoning Hearing Board on December 7, 2006 and allows an addition to the existing church structure on the condition that the applicant, upon request of the Township, dedicate sufficient land to realign the Valley Road/Winfield Street intersection, on the condition that the dedicated area not exceed that set forth on the plan submitted by the applicant to the Zoning Hearing Board.

Ms. Wissler stated that the applicant requested the following waivers: waiver of the preliminary plan requirement, waiver of the requirement to provide sidewalk along Valley Road, and waiver of the requirement that states that existing conditions are defined as the land use present at the time of a specific stormwater control plan submittal or construction.

Mr. Aaron Navarro was present on behalf of the plan.

Mr. Gingrich asked if the applicant has received the comments generated by Township staff, Township Engineer and Dauphin County, and if he had any issues with those comments. Mr. Navarro stated he did receive the comments.

Mr. Navarro clarified that the title sheet will be corrected to state that the plan is a subdivision and land development plan, and not just a subdivision plan.

The applicant attended a Supervisors workshop meeting in November to introduce the project and explain that there are three phases in the churches plan. This plan, which is phase 1, is strictly the parking expansion along Valley Road and additional parking along Colonial Road. The existing parking will remain. No building expansion is proposed with this plan. Phase 2 will show a building expansion to the south and reconfiguration of parking to the north, and then phase 3 will show a small bump out added with a different access added. Some comments generated for this particular plan will be addressed in the later plans.

Mr. Navarro asked for explanation of HRG comment #10, which states that the narrow strip of land marked as the proposed right-of-way along Colonial Road be removed or conveyed to PennDOT. PennDOT does not want additional right-of-way unless they need it. The offer of right-of-way, bringing it up to code, is required by the ordinance. It is shown on the plan and offered to the Township, that way if PennDOT ever needs it, they can have it conveyed by the Township. If the Township does not want it, the applicant is willing to not dedicate it. Mr. Snyder explained that the Township is not interested in acquiring little strips of land along State highways. Mr. Snyder agreed that PennDOT does not want additional right-of-way unless there is a project that proposes improvements to a roadway. Mr. Snyder suggested the best course of action is to take it off of the plan.

Mr. Snyder suggested looking at the need for a right turn lane, if it is warranted, southbound on Colonial onto Valley Road. If that is warranted, plan for some right-of-way at that location which could be dedicated to the Township as part of that larger tract of land to complete the intersection. Mr. Navarro will look into the right turn.

HRG and County comments mention a need for a planning module, however, Mr. Navarro stated that since the church is not proposing the expansion to the building with this plan, they feel that an exemption can be filed, and asked if that would be acceptable to the Township. Mr. Snyder stated that if this plan only involves parking areas, no increase in sewage flows, so the applicant shouldn't need a module or an exemption.

Mr. Snyder asked why the plan is only for the parking, and suggested the church do the parking and building expansion as one plan and indicate phasing on that plan. Mr. Navarro stated that the church is not ready to proceed with the other plans yet. The parking expansion is the most pressing issue for the church, as they currently park on the grass.

Mr. Snyder asked if the parking expansion shown is warranted without the building expansion. Mr. Navarro stated that the parking will satisfy ultimate build-out, and noted they park in the field on Sundays.

Mr. Newsome stated the Colonial Road corridor already is in trouble and needs work. It seems that we should be planning for an area similar to the stretch of I-83 between Derry Street and Union Deposit Road where there is one extra lane. This might make a lot of sense and there is an ever-growing amount of traffic using that area. Mr. Newsome noted that the block between Crums Mill Road and Valley Road on Colonial Road is an extra busy section of that roadway.

Mr. Navarro stated that widening on that stretch of the road is not a simple thing, there is a very steep grade from the existing road down to the church. To do that widening would be a very large task. Mr. Newsome agreed.

Mr. Gingrich asked if the applicant has spoken to PennDOT about the right-of-way. Mr. Navarro stated he has, and they told him he can put it on the plan but they are not going to take it.

Mr. Newsome felt the Supervisors should at least be aware that there is a possibility of getting some right-of-way there.

Mr. Navarro stated that he agrees with the balance of the comments generated and does not have any other issues.

Mr. Guise asked about the realignment of Valley Road, and if the applicant will move the traffic signal as part of the church project. Mr. Navarro stated that the only thing they are doing is dedicating the right-of-way. The church is not paying for the realignment, nor are they proposing the realignment.

Mr. Guise asked about the requested sidewalk waiver. Mr. Navarro stated that they are only asking for a waiver for the section along Valley Road where the realignment will be. They do propose sidewalks along the other section.

Mr. Chip Millard, Dauphin County, noted that all handicapped parking spaces have to have a 5-foot access aisle, with reference to the existing parking in the north west section of the lot. Mr. Navarro asked if it needs to be re-stripped. Mr. Millard felt that whatever is appropriate to actually use it for handicapped parking and noted that if it is already usable that the Township could make that decision. Mr. Navarro will look into it.

Mr. Millard asked if the welcome sign on Valley Road will have any impact on sight distance. Mr. Navarro stated the welcome sign will be removed.

Mr. Millard was concerned that if/when the roadway is realigned, the neighbor on the south side of Winfield Street may have difficulty getting out of the driveway if it is no longer at a traffic signal. A representative from the church stated that the access to that home is through the adjoining property, with a fence, that has a gate. They also regularly park on the street. Mr. Millard commented that if the improvements takes place it may be an improvement for that homeowner.

Mr. Guise made a motion to recommend approval of the plan, and recommend approval of the waiver of the preliminary plan requirement, waiver of the requirement to provide sidewalk along the portion of Valley Road that is going to be realigned, and waiver of the requirement that pervious existing conditions be modeled as meadow or woods in stormwater management calculations and subject to compliance with the comments generated. Ms. Sibert seconded the motion. Mr. Gingrich asked for discussion on the motion. Mr. Neff asked if the motion should include the suggestion to the Supervisors to consider the dedication of additional area for a right turn lane. Mr. Newsome did not feel that needed included in the motion, but asked that staff relay the information. A unanimous vote followed.

#### **Final Subdivision Plan** **Four Seasons HOA/Newside Road Cemetery**

Mr. Jim Snyder, HRG, Inc., 369 East Park Drive, stated the Township has an agreement with the Four Seasons Homeowners Association to acquire the small site where the Newside Road Cemetery is located. The plan represents a very simple final subdivision necessary to convey the land to the Township. The Cemetery has historic significance and the Township will take over ownership to own and maintain it. The lot is about 2,600 square feet. There is nothing proposed with the lot, including no frontage improvements.

Mr. Lighty asked if a waiver is required for the preliminary plan requirement. Mr. Snyder stated there is a long list of things that may or may not need to be enumerated before it goes before the Board of Supervisors. Mr. Lighty noted that the Township wouldn't enforce its ordinances against itself, and it is a waste of money to go through the motions.

Mr. Snyder stated they do intend to pay the County fee so they can do an official review and get their signature on the plan for recording purposes.

Mr. Newsome asked who maintains the cemetery now. Mr. Snyder speculated that the Homeowners Association might be since it is on their property.

Mr. Neff stated that he is a trustee for two such cemeteries and there is now legislation that prohibits you from moving or doing anything to them. When he visited the site, it seemed to Mr. Neff, that the northern lot line should be shifted to the north about 25 feet. Mr. Snyder stated that the only lot lines that cannot not be adjusted are the right-of-way line for Newside Road and the western property line. The other two were established by a mutual understanding between the Township and Homeowners Association. Based on that, there may be room for adjustment if there is some compelling reason to do so. Mr. Neff noted that if work would be done to Newside Road to bring it up to the width in front of the Four Seasons development, you could come up almost to the conical monuments without encroaching into the cemetery but in the process you would have to relocate the large DAR identification stone, and if they add additional room to the north, it could be located to the rear of the cemetery. Mr. Snyder stated that there is a bit of an embankment that may hinder the road improvements, and road work may impact the cemetery plots themselves. Mr. Lighty stated that the whole point of Page Road Extended was so that this roadwork would not have to be done.

Mr. Neff asked about continuing the sidewalks from Four Seasons which dead end right in front of the cemetery. If the corner piece of property came in for development, given the proximity to the high school, the Township may desire sidewalks. They could not go in front of the cemetery, but if there were a floating easement in the common open space of the townhouses the sidewalk could be completed around the cemetery. Mr. Snyder stated he can talk to the Board about it.

Mr. Neff asked if Four Seasons Homeowners Association is making a financial contribution for the maintenance. Mr. Snyder did not know.

Mr. Chip Millard noted that he did not receive this plan for official review, and there has been no fee submitted so he does not have comments prepared. Mr. Lighty asked if the County would consider waiving the fee. Mr. Millard stated he will talk to his boss about it.

There was no comment from the audience.

Mr. Newsome made a motion to recommend to the Board of Supervisors the approval of the plan. Mr. Gingrich seconded the motion, and the motion passed unanimously.

### **Walnut Street Corridor Discussion**

Mr. Lighty stated that staff has asked the Commission to review the Walnut Street Corridor Study. Ms. Wissler stated that the document before the Commission is a draft, and they are seeking the Planning Commission and Supervisor's input on anything they want changed before they print the final copy.

Commissioners will bring written comments regarding the Study to next month's meeting for staff to take to the group. Ms. Wissler noted that the review should focus on the Lower Paxton Township areas of the Study. Mr. Lighty noted that this, even in final form, is a planning document and is not meant to be enforced by Township Ordinance.

Mr. Newsome noted that the Study is a very nice document and well organized. Mr. Newsome noted that the document refers to underutilized land with large parking lots, implying that the Township has required too much parking, and he did not think that is what was meant.

### **Business Improvement District Discussion**

Mr. Lighty asked for suggestions on how to handle creation of an improvement district, such as subcommittees, special meetings, et cetera. Mr. Gingrich felt a topic such as this warrants some discussion at a workshop session.

Mr. Lighty stated that the executive director of the Harrisburg Downtown Improvement District has agreed to come and talk to the Planning Commission about his experiences and pros and cons and any advice he may have. They are generically called neighborhood improvement districts, and there are subsets called downtown improvement districts, business improvement districts and others. Mr. Lighty will prepare an outline of the actual steps that have to be followed in order to establish one if the Township desires.

The definition reads as follows: A neighborhood improvement district (NID) is a limited geographic area within a municipality in which a special assessment is levied on all designated property, other than tax exempt property, for the purpose of promoting the economic and general welfare of the district and the municipality. Such districts shall be referred to generally as neighborhood improvement districts and, specifically, as business improvement districts, residential improvement districts, industrial improvement districts, institutional improvement districts, or mixed use improvement districts.

The Commission should also consider what area they would like to focus, noting that the Supervisors were interested in three main areas. The Route 22 area would be considered a business improvement district, the Linglestown Square area and the Paxtonia area of Old Jonestown Road would be more of a neighborhood improvement district. The Commissioners should also decide the boundaries of those areas to be focused on.

Mr. Guise asked where the money comes from. Mr. Lighty stated that if 40% of the people affected do not actively object, then the district is created, and an assessment is levied on that district. The district would set the amount of the assessment before allowing the people to vote. They would vote on an amount, and that amount would not fluctuate at later times without a vote.

Such a district can undertake many tasks, not solely traffic improvement. It could also be for beautifying the district. It doesn't have to be for infrastructure, it could be for advertising the



businesses in the district. Mr. Lighty noted that the Route 22 corridor is starting to get competition from other areas, and the Township needs to make sure the other areas do not take our business away and upset the tax base.

Mr. Neff noted that the Walnut Street Corridor Study and this endeavor compliment each other.

Mr. Newsome suggested that it might be beneficial to meet with someone who has experience in a suburban community that does not have a central downtown area, but more of a lineal strip of development.

Mr. Newsome asked if there are records on these districts anywhere. He will look into it.

Commissioners agreed to hold a workshop meeting prior to the next regular meeting on May 9<sup>th</sup>, at 6:00pm with a light dinner at 5:30pm.

### **Public Comment**

There was no further public comment at this time.

### **Adjournment**

The next regular Planning Commission meeting is scheduled for May 9, 2007 at 7:00pm at the Lower Paxton Township Municipal Center, Room 171.

The Commission will meet on May 9, 2007 in workshop session at 6:00pm for discussion on the improvement districts, with a light meal at 5:30pm.

The Planning Commission will take part in a joint workshop meeting with the Board of Supervisors on April 24, 2007 at 5:30pm to discuss the draft Subdivision and Land Development Ordinance, in Multi-Purpose Room A of the Lower Paxton Township Municipal Center, with a light meal at 5:00pm.

Being no further business, the meeting adjourned at 9:04 pm.

Respectfully Submitted,

Michelle Hiner  
Recording Secretary